

# MINUTES OF THE CITY COUNCIL OF LAUREL

March 16, 2010

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Mayor Ken Olson at 6:30 p.m. on March 16, 2010.

COUNCIL MEMBERS PRESENT:	Emelie Eaton Chuck Rodgers Alex Wilkins	Doug Poehls Mark Mace Norm Stamper
COUNCIL MEMBERS ABSENT:	Kate Hart	Chuck Dickerson
OTHER STAFF PRESENT:	Mary Embleton Sam Painter Bill Sheridan	Kurt Markegard James Caniglia

Mayor Olson led the Pledge of Allegiance to the American flag.

Mayor Olson asked the council to observe a moment of silence.

## MINUTES:

Motion by Council Member Eaton to approve the minutes of the regular meeting of March 2, 2010, as presented, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

Mayor Olson removed item 10. g., Resolution No. R10-33, from the council agenda for further work by the staff.

## CORRESPONDENCE:

Montana Municipal Interlocal Authority: Letter of March 3, 2010, regarding withdrawal from the MMIA Employee Benefits Program.

Local Emergency Planning Committee: Minutes of January 14, 2010; Agenda of March 11, 2010.

Small Town Tree Board Retreat information.

Montana Department of Environmental Quality: Letter of March 3, 2010 regarding 2009 Water System Improvements, Phase 2.

NorthWestern Energy: Letter of March 9, 2010, regarding Request for Proposal to Conduct Carbon Offset Projects.

## PUBLIC HEARING:

- Ordinance No. O10-01: An ordinance of the City Council of the City of Laurel, Montana, imposing a temporary moratorium on the opening, operation, and licensing of any establishments that grow, sell, or distribute medical marijuana, and directing the study of new proposed ordinances to regulate such establishments.

Mayor Olson asked City Planner James Caniglia to introduce the item to the council.

James explained that the public hearing is for a moratorium on medical marijuana shops. Cities all over Montana are grappling with this issue as the legislation did not provide clear guidelines for location and the number of shops. The moratorium will give the city time to review the location and number of medical marijuana shops to allow in the city, which can be done through zoning. James stated that Los Angeles has limited the number allowed to seventy in the city limits. There are currently about 500 medical marijuana shops in Denver, and a Colorado town the size of Joliet has four shops. Other cities in Montana have taken the lead. Kalispell was the first city to look at the



zoning. James stated that the issue would go before the Planning Board. An informational meeting is scheduled on Tuesday, March 23<sup>rd</sup>, to provide education to the public and the city.

Council Member Mace stated that Hamilton actually passed a zoning ordinance. Since Hamilton is a similar size, he suggested that James contact them regarding this issue. Council Member Mace thinks it should be determined based on population.

James stated that the number allowed is the city's decision, but the city has to allow one because it is a legal business. One thing that has been tested repeatedly is sexually oriented businesses. Cities that have tried to completely ban them have not been able to do so and have generally allowed them in industrial zoned areas and limited the number.

Mayor Olson read the rules governing the public hearing.

Mayor Olson opened the public hearing.

Mayor Olson asked three times if there were any proponents. There were none.

Mayor Olson asked three times if there were any opponents. There were none.

Mayor Olson closed the public hearing.

Sam Painter advised the council that state law allows the council to consider the ordinance immediately after the public hearing. However, council rules state that a unanimous vote of the council is required to place it on the agenda tonight. Sam suggested that a council member move to place it on the agenda with unanimous approval. If not, the ordinance would be addressed at the next regular council meeting.

Motion by Council Member Poehls to place Ordinance No. O10-01 on the agenda as item i. under Scheduled Matters, seconded by Council Member Stamper. There was no public comment or council discussion. A vote was taken on the motion. Motion carried 6-0.

#### **CONSENT ITEMS:**

- **Clerk/Treasurer Financial Statements for the month of February 2010.**
- **Approval of Payroll Register for PPE 03/07/2010 totaling \$162,623.98.**
- **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of March 2, 2010 were presented.

--Public Works Committee minutes of March 8, 2010 were presented.

--Council Workshop minutes of March 9, 2010 were presented.

--Laurel Airport Authority minutes of January 26, 2010 were presented.

--Laurel Urban Renewal Agency minutes of February 2, 2010 were presented.

--Tree Board minutes of February 18, 2010 were presented.

--Cemetery Commission minutes of February 25, 2010 were presented.

--Health Insurance Committee minutes of March 1, 2010 were presented.

--Cemetery Commission minutes of March 4, 2010 were presented.

The mayor asked if there was any separation of consent items. There was none.

Motion by Council Member Poehls to approve the consent items as presented, seconded by Council Member Mace. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

**CEREMONIAL CALENDAR:** None.

**REPORTS OF BOARDS AND COMMISSIONS:** None.

**AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):**

Dan Koch, 320 Colorado, stated: "I am here to complain about my street again. I thank you for the pipe that I don't have to worry about blowing out at 3:00 in the morning at zero on Christmas Day. Kurt fixed it for me. But when COP finished, they did not clean the street. Of course, the weather was bad. It was rainy, mucky, whatever. Now we have a dust bowl over there and a lot of traffic around the school on Montana and Colorado. And every time I have called the city, they say that their street sweeper sucks up the asphalt. Well, my opinion is raise the suction up on the air a little bit, go a little faster, do something to pick up the dust. People who work in the school can't cross the street unless they walk in mud. It's just a mess. My car is a mess. My house is a mess. Everything down there is a mess since it's dried up. I really would appreciate if you would do something about it. Thank you."

**SCHEDULED MATTERS:**

- **Confirmation of Appointments:** None.
- **Resolution No. R10-28:** A resolution accepting the bid and authorizing the Mayor to sign a contract with Four Beers, Inc., DBA Stillwater Excavating, for the City of Laurel's Seventh Street Drainage Project.

Motion by Council Member Rodgers to approve Resolution No. R10-28, seconded by Council Member Wilkins. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

- **Resolution No. R10-29:** A resolution approving Amendment No. 1 to the previously adopted Task Order No. 16 of the Agreement for Professional Services dated June 5, 2007 between the City of Laurel and Great West Engineering, Inc., approving an increase in the study and report phase and the preliminary and final design phases of the Wastewater System Improvements Project.

Motion by Council Member Wilkins to approve Resolution No. R10-29, seconded by Council Member Rodgers. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

- **Resolution No. R10-30:** A resolution to adopt an official Schedule of Fees and Charges for the City of Laurel, repealing all previous resolutions that set fees or charges that conflict with the schedule attached hereto upon its effective date.

Motion by Council Member Stamper to approve Resolution No. R10-30, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

- **Resolution No. R10-31:** A resolution of the City Council approving the request by the Laurel Urban Renewal Agency to utilize a portion of Tax Increment Funds to pay for upgrading water and sewer services to the planned movie theater project located within the Tax Increment District.

Motion by Council Member Mace to approve Resolution No. R10-31, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

- **Resolution No. R10-32:** A resolution approving the attached CTEP Construction Agreement Amendment for the Main Street 3<sup>rd</sup> to 8<sup>th</sup> Project within the City of Laurel.

Motion by Council Member Poehls to approve Resolution No. R10-32, seconded by Council Member Rodgers. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

- **Ordinance No. O10-02: An ordinance amending Section 5.08.040 of the Laurel Municipal Code titled "Contractor's License and Bond Requirements" located at Chapter 5 of the Laurel Municipal Code. First reading.**

Motion by Council Member Eaton to adopt Ordinance No. O10-02, seconded by Council Member Poehls. There was no public comment or council discussion. A roll call vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

The public hearing of Ordinance No. O10-02 will be on the council agenda of April 6, 2010.

- **Ordinance No. O10-01: An ordinance of the City Council of the City of Laurel, Montana, imposing a temporary moratorium on the opening, operation, and licensing of any establishments that grow, sell, or distribute medical marijuana, and directing the study of new proposed ordinances to regulate such establishments.**

Motion by Council Member Poehls to adopt Ordinance No. O10-01, seconded by Council Member Stamper. There was no public comment or council discussion.

Mayor Olson stated that the ordinance is an interim zoning ordinance and requires only one reading. The ordinance will be effective immediately upon adoption by the council.

A roll call vote was taken on the motion to adopt Ordinance No. O10-01. All six council members present voted aye. Motion carried 6-0.

**ITEMS REMOVED FROM THE CONSENT AGENDA:** None.

**COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):** None.

#### **COUNCIL DISCUSSION:**

Council Member Stamper requested a general update regarding road work at the next council workshop.

Mayor Olson stated that Bill Sheridan would give an update tonight.

Council Member Rodgers stated that the gathering site portion of the cemetery project is moving forward, as a small service contract has been let for that. He contacted Butch Bailey regarding the Rosselot monument, which should be completed by Memorial Day if weather and time permit.

Council Member Rodgers, Kurt Markegard, and Matt Wheeler attended a meeting with Knife River regarding the 8<sup>th</sup> Avenue project. Scheduling for the project is tight and two blocks will be done at a time.

Kurt stated that Knife River recently updated the City of Laurel and the utility companies regarding how they plan to progress on 8<sup>th</sup> Avenue. The contractors will start at Main Street on 8<sup>th</sup> Avenue and do two blocks of water, sewer, and storm drain at a time with temporary water and traffic control. They will get the base gravel ready for pavement before opening up the next two blocks. The street will have to be shut down at certain times during paving operations, but arrangements will be made for residents to get in and out of their homes. Kurt will provide a schedule for the council to see the progress. Any weather delays will push the project into October for paving, as the way it is lined out is very tight. They plan to work five days a week and Saturdays if needed, depending on weather. Kurt told the contractor about the city's concerns regarding traffic on adjoining side streets so they do not get torn up. In the specials the city had written for the State when they let the project, traffic is allowed on Maryland Lane and Main Street because they are urban routes and can hold up to the traffic. No other streets are allowed to have truck traffic. Kurt will inform the police department and he asked the council to watch for trucks on side streets during construction. Kurt mentioned that the 8<sup>th</sup> Avenue project will coincide with the Main Street project.

Council Member Eaton stated that the Yellowstone Historic Preservation Board's annual roundtable and awards presentation is scheduled next Tuesday from 8:00 to 10:00 a.m. at the Masonic Temple in downtown Billings.

Council Member Eaton gave an update on the Tree Board and the DNRC Grant for work at Riverside and the Lions Park. The individual contracted to trim the trees is ready and willing to start. The Lions Club recently formed a Leo Club at the high school. The Leo Club will provide volunteer labor for installation of the irrigation system, which will probably take three to four weekends to complete. The Tree Board plans to view the progress during its April meeting.

Mayor Olson stated that the Leo Club, which is an extension of the Lions Club, provides an opportunity for high school students to participate in a civic organization.

Mayor Olson stated that a public forum for an informational opportunity regarding medical marijuana will be presented by Officer Long at the high school auditorium at 7:00 p.m. on Tuesday, March 23<sup>rd</sup>. He encouraged everyone to attend. The meeting will be posted so all council members can attend the educational presentation.

Mayor Olson asked Bill Sheridan to give a presentation on road work in and adjacent to the City of Laurel for the summer of 2010.

Bill stated that the city had a pretty good summer last year, and twice as much work will be done this year. It will be difficult for folks to get around as major improvements are made. The first item is the milling of Fir, Alder, and East 8<sup>th</sup> Street, which will be done with millings the city has stored for roadways. Bill, Kurt, and Matt recently met with the County, which indicated they would help with the project by providing their equipment.

Bill stated that the second item is the improvements to 12<sup>th</sup> Street West just west of 1<sup>st</sup> Avenue. This street has been a thorn in the side for the County. It is in the County, and they have asked the city to make major improvements there with their assistance. An indentation on 12<sup>th</sup> Street that causes a pond of water in the summer and an ice skating rink in the winter needs to be addressed. There will be some improvements made there for a business and some homes in the future.

Mayor Olson asked regarding annexation of properties in that area.

James Caniglia stated that a vacant lot there is owned by a man that lives in Absarokee. He has wanted to build a house there for years, but costs to get services to the lot were not feasible. A neighbor with a septic system on a very small county lot may be forced to get on city services in the near future and is interested in annexation. About a year ago, Randy Swenson requested annexation of a portion of land just to the west of his current TenderNest retirement home in order to expand it. He will soon ask the council to abandon an alley and give the city a different easement for water and sewer. That will make it easier for the two properties to annex. At that time, it will be possible to get sidewalk on that narrow stretch of street. James stated that the biggest issue is where the storm water runoff goes, and Kurt has been reviewing that.

Bill explained the third item of the West Main crossing of sewer main to the south side of 2<sup>nd</sup> Avenue. Main Street is going to be repaved and reconstructed, so the city is trying to get water service to the south side of Main Street in that area. The TIF District is trying to help with the financing for the water service.

The next item is for sewer main to the south side of Main Street on 3<sup>rd</sup> Avenue. The TIF District, LURA, is also interested in getting those services for future development.

Bill stated that West Main, from 1<sup>st</sup> Avenue to 8<sup>th</sup> Avenue will be completely rebuilt by the Montana Department of Transportation and new water and sewer lines need to be installed.

Bill stated that MDT will finish last year's major construction project on East Main and 1<sup>st</sup> Avenue South this summer. MDT will also rebuild 8<sup>th</sup> Avenue from West Main to 9<sup>th</sup> Street this year.

Bill stated that new water lines were installed in Montana, Colorado, Pennsylvania, Washington, and Wyoming Avenues last year, which made a major improvement to the water service but did not do the streets any good. The city plans to create an SID to completely rebuild these streets. In the meantime, the city or COP Construction will make temporary repairs to Montana, Colorado, Pennsylvania, Washington, and Wyoming Avenues. COP had large pieces of equipment working on those streets. They tore up the streets and did not get them back to a reasonable repair.



Bill explained that new sewer and water lines will be installed to the proposed movie theater on First Street and First Avenue. Because of LURA's interest, the TIF District will help financially with this infrastructure improvement project.

Bill stated that the city did a good job of patching potholes last year, thanks to the public works director and other public works employees. Patching of potholes will also be done this summer.

Mayor Olson asked regarding the extension of an east/west waterline by Alder Avenue and the need for millings in that location.

Kurt stated that a waterline was installed between Alder and Cottonwood Avenue in order to loop Mogan Subdivision in. There have been major waterline breaks north of Nutting Park the last couple years, and the line feeds the whole east end. When there is a waterline break, the whole east end has to be shut off, including losing fire flow out to Village Subdivision. Another waterline was installed off Alder heading east in order to improve fire flow and lower the risk of having water breaks in that neighborhood on the east end. The street was torn up in the process. The trench was paved back, but there was not much left. With the East Main project, Eleanor Roosevelt was torn up, so the County is interested in doing the whole project, laying the millings, paying for the reclamite, and rebuilding East 8<sup>th</sup> Street.

Council Member Rodgers asked if Cottonwood Avenue would be addressed, as it is gravel on the upper end.

Kurt stated that Cottonwood and Date are gravel and are only half streets. There are some other issues there as the condition of the water and sewer lines needs to be verified first. Kurt stated that the County will chip seal the streets, too. If the city pays for the oil on Alder, the County will chip seal them so the roads will last for awhile. As far as the half streets, some people have been interested in developing and annexing those properties into the city. Kurt suggested waiting to start addressing the full road width until the vacant properties get filled in to the east of the subdivision.

Council Member Eaton asked regarding the extent of the cooperation on 12<sup>th</sup> Street.

Kurt explained that the County would like the city to take over 12<sup>th</sup> Street. The County hopes that the properties annex, at which point the street belongs to the city. The County may participate with the paving, but they want the city to take over the maintenance. Kurt stated the need for a memorandum of understanding between the city and the County for maintenance issues. The city will provide the millings and the County will provide the equipment for the project.

Kurt stated that the city would like to get the street done before the properties are annexed so the county can participate. If annexation is done prior to that, with a waiver of protest, the city could do an SID for the improvements. With the MOU, the city would not obligate street maintenance funds to do an overlay, which is the county's responsibility.

Council Member Stamper stated that the school buses that drive on the "state" streets do not help the street conditions and there is a dust mess there. He asked how quickly repairs could be done in that area.

Kurt explained that major repairs were needed on the street sweepers. As soon as the repairs are completed, public works will start sweeping streets.

Bill stated that there have been problems with equipment, but the city will do its best to serve the property owners at this location. The city will try to get COP Construction to help with this situation, too.

Dan Koch, 320 Colorado Avenue, stated: "I appreciate your comments. Some of our mess there is ours. We sand those corners around the school. And we have for fifteen years and never picked it up in fifteen years. We have to get that vacuum cleaner going or rent one or borrow one or contract COP Construction to come clean it up, because it's a mess. Thank you again."

Council Member Rodgers asked regarding the plan to get rid of the duck pond on 12<sup>th</sup> Street.

Kurt explained that the runoff on a lot of county roads goes into a barrow ditch. Right now there are mailboxes and soil on the north side. With a memorandum of understanding, the mailboxes can be removed so the water can run off the road. Right now, the city has to use the jet rodger to suck up

the water in order to do patching. Public works patched potholes on 12<sup>th</sup> recently. One plan was to bring the storm water down and tie it into the Nutting Drain. Another consideration before the bridge was put in was to take it down 1<sup>st</sup> Avenue to the first inlet at Mountain View. The other option was to let it go into the Big Ditch, but the Big Ditch Company is not thrilled about having the street storm water go into their canals. With all of those, the concerns of the County were that water would get into the basements of the homes to the south. That issue needs to be addressed so another problem is not created when the street problem is addressed.

Bill stated that this is County property, and the County has grappled with this problem for a number of years. The County says they will assist with the project to provide a decent road on 12<sup>th</sup> Street.

Bill stated that the city has asked property owners on SE 4<sup>th</sup> Street to connect to the storm sewer system, but a number of people still have not done so. Once the storm water connections are completed, the SE 4<sup>th</sup> Street project will proceed.

Kurt explained that a leveling course will be done first, followed by a mill and overlay. Great West Engineering prepared a cost analysis, and the business owners want the city to prepare an SID. The business owners requested consideration for street lights, sidewalk improvements to properties that need sidewalks, and a middle turn lane.

Mayor Olson stated that it is an aggressive schedule for summer projects. He thanked Bill for the presentation.

**UNSCHEDULED MATTERS:** None.

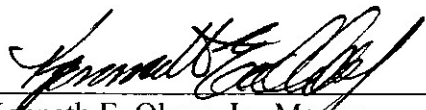
**ADJOURNMENT:**

Motion by Council Member Rodgers to adjourn the council meeting, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

There being no further business to come before the council at this time, the meeting was adjourned at 7:32 p.m.

  
Cindy Allen, Council Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 6<sup>th</sup> day of April, 2010.

  
Kenneth E. Olson, Jr., Mayor

Attest:

  
Mary K. Embleton, Clerk-Treasurer